

WEDNESDAY, MARCH 27, 1991

TWENTY-SEVENTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by John Albright, Allons Baptist Church, Overton County, Tennessee.

Representative John Mark Windle led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Nuber on Monday, March 25, 1991; due to personal circumstances.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

**JOURNAL CORRECTION**

The following Conservation and Environment Committee Report was inadvertently omitted from the Journal on Wednesday, March 20, 1991.

**CONSERVATION AND ENVIRONMENT**

**March 20, 1991**

**MR. SPEAKER:** Your Conservation and Environment Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 274; for passage if amended: House Bill(s) No(s). 472 and 1237.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 558.

HILLIS, Chair.

Under the rules, House Bill(s) No(s). 274; with amendment(s): House Bill(s) No(s). 472 and 1237 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 558 to the Finance, Ways and Means Committee.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**March 26, 1991**

**MR. SPEAKER:** Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Wednesday, March 27, 1991:** House Bill(s) No(s). 1276, 1360, 1256, 903, 1264, 1265, 262, 246, 779, 1019, 772, 544, 1286, 693, 441, 618, 1079, 1244, 575, 5, 269 and 729.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 1, 1991:** House Bill(s) No(s). 6 and 207.

PHILLIPS, Chair.

**REPORTS FROM STANDING COMMITTEES**

**AGRICULTURE**

**March 26, 1991**

**MR. SPEAKER:** Your Agriculture Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 563 and 801; for passage if amended: House Bill(s) No(s). 1334.

RAY DAVIS, Chair.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Under the rules House Bill(s) No(s). 563 and 801; with amendment(s): House Bill(s) No(s). 1334 was/were transmitted to the Calendar and Rules Committee.

**COMMERCE  
March 26, 1991**

MR. SPEAKER: Your Commerce Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s) 425, 781, 838 and 840; for passage if amended: House Bill(s) No(s). 417, 689, 837 and 1358.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 826 if amended.

RHINEHART, Chair.

Under the rules, House Bill(s) No(s). 425, 781, 838 and 840; with amendment(s): House Bill(s) No(s). 417, 689, 837 and 1358 was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 826 with amendment(s) to the Finance, Ways and Means Committee.

**CONSUMER AND EMPLOYEE AFFAIRS  
March 26, 1991**

MR. SPEAKER: Your Consumer and Employee Affairs Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 615.

CLARK, Chair.

Under the rules, House Bill(s) No(s). 615 was/were transmitted to the Calendar and Rules Committee.

**EDUCATION  
March 26, 1991**

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 270 if amended; for adoption: House Joint Resolution(s) No(s). 50.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 521 and 613.

DAVIDSON, Chair.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Under the rules, House Bill(s) No(s). 270 with amendment(s); also, House Joint Resolution(s) No(s). 50 was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred House Bill(s) No(s). 521 and 613 to the Finance, Ways and Means Committee.

**FINANCE, WAYS AND MEANS  
March 26, 1991**

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 11, 685, 1088, 1151, 1254 and 1261; for passage if amended: House Bill(s) No(s). 1006.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 11, 685, 1088, 1151, 1254 and 1261; with amendment(s): House Bill(s) No(s). 1006 was/were transmitted to the Calendar and Rules Committee.

**GOVERNMENT OPERATIONS  
March 26, 1991**

MR. SPEAKER: Your Government Operations Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 1105; for passage if amended: House Bill(s) No(s). 47, 153, 157, 158, 159, 160, 163, 164, 165, 166, 180, 233, 234, 236, 237, 239, 240, 244, 252, 254, 255, 256, 261, 333, 887, 888 and 889.

KING, Chair.

Under the rules, House Bill(s) No(s). 1105; with amendment(s): House Bill(s) No(s). 47, 153, 157, 158, 159, 160, 163, 164, 165, 166, 180, 233, 234, 236, 237, 239, 240, 244, 252, 254, 255, 256, 261, 333, 887, 888 and 889 was/were transmitted to the Calendar and Rules Committee.

**STATE AND LOCAL GOVERNMENT  
March 26, 1991**

MR. SPEAKER: Your State and Local Government Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 14, 439, 633, 723, 1080, 1108, 1329 and 1362; for passage if amended: House Bill(s) No(s). 608, 621, 1324, 1403, 1414 and 1481.

We further recommend that, pursuant to Rule No. 72, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 1219.

LOVE, Chair.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Under the rules, House Bill(s) No(s). 14, 439, 633, 723, 1080, 1108, 1329 and 1362; with amendment(s): House Bill(s) No(s). 608, 621, 1324, 1403, 1414 and 1481 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 1219 to the Finance, Ways and Means Committee.

**TRANSPORTATION  
March 26, 1991**

**MR. SPEAKER:** Your Transportation Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 747; for passage if amended: House Bill(s) No(s). 402 and 1205; for adoption: House Joint Resolution(s) No(s). 103 and 125.

**ROBB ROBINSON, Chair.**

Under the rules House Bill(s) No(s). 747; with amendment(s): House Bill(s) No(s). 402 and 1205; also, House Joint Resolution(s) No(s). 103 and 125 was/were transmitted to Calendar and Rules.

**MESSAGE FROM THE SENATE  
March 26, 1991**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill(s) No(s). 359, 408, 621, 625, 1213, 1301, 1414 and 1438; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**\*Senate Bill No. 0359 -- Agriculture --** Authorizes draining certain wetlands under general permits. Amends TCA, Title 69. by \*McKnight, Hamilton.

**\*Senate Bill No. 0408 -- Driver Licenses --** Authorizes suspension or denial of driver licenses of certain persons committing certain acts involving alcohol. Amends TCA, Title 55, Ch. 10, Pt. 7; Title 57, Chs. 3--5. by \*Cooper.

**\*Senate Bill No. 0621 -- Aircraft and Airports --** Classifies airports. Amends TCA 42-1-101, 42-1-202, 101, 42-3-102, 42-3-201, 103, 42-5-102, 42-6-101. by \*Koella.

**\*Senate Bill No. 0625 -- Annexation --** Requires certain advance notification to certain persons whose property is to be annexed. Amends TCA, Title 6, Ch. 51. by \*Atchley, \*Gilbert.

**\*Senate Bill No. 1213 -- Charitable Solicitations --** Exempts volunteer fire departments, civil defense units and rescue squads

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

from charitable solicitation law. Amends TCA, Title 48, Ch. 3, Pt. 5. by \*Burks, \*McKnight.

**Senate Bill No. 1301** -- Culture -- Decreases period for determination of abandoned cultural property. Amends TCA 66-29-202. by \*Henry.

**\*Senate Bill No. 1414** -- Correction, Dept. of -- Requires continuance of training employees at Tennessee Training Academy in Tullahoma. Amends TCA, Title 4, Ch. 6; Title 41. by \*Cooper, \*McKnight.

**\*Senate Bill No. 1438** -- Economic and Community Development -- Modifies requirement that ordinance or resolution to create and appoint an enterprise zone management board be adopted at two consecutive meetings; requires adoption at a regularly scheduled meeting only. Amends TCA, Titles 4, 13. by \*Ford.

**MESSAGE FROM THE SENATE**

**March 26, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 137, 138, 139, 140, 141, 142 and 146; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0137** -- Memorials, Recognition and Thanks -- Operation Desert Star. by \*McNally, Cooper, Patten.

**Senate Joint Resolution No. 0138** -- Memorials, Retirement -- Dr. Gary J. Burchett. by \*McNally.

**Senate Joint Resolution No. 0139** -- Memorials, Sports -- Cumberland County Elementary boys' basketball Team. by \*O'Brien.

**Senate Joint Resolution No. 0140** -- Memorials, Sports -- South Cumberland Rebels football team. by \*O'Brien.

**Senate Joint Resolution No. 0141** -- Memorials, Public Service -- Louise Hollimon Wooden. by \*Hicks, Haynes.

**Senate Joint Resolution No. 0142** -- Memorials, Sports -- Cumberland County Elementary girls' basketball team. by \*O'Brien.

**Senate Joint Resolution No. 0146** -- Memorials, Personal Achievement -- Eleanor Ford, Ms. Senior Tennessee. by \*Burks, \*O'Brien, Cooper.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

**ENROLLED BILLS  
March 26, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 284, 372, 548, 622, 760 and 833; also, House Joint Resolution(s) No(s). 137, 139, 141, 142, 143 and 165; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
March 26, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 338, 702 and 1042; also, Senate Joint Resolution(s) No(s). 124 and 150; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
March 26, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 187, 617, 660, 730, 1044, 1104, 1257, 1322, 1516 and 1541; also, House Joint Resolution(s) No(s). 93, 132, 133, 134, 135, 136, 145, 159, 160 and 163; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE GOVERNOR  
March 26, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 570, 645, 898 and 1531; also, House Joint Resolution(s) No(s). 45, 113, 114, 116, 123, 124 and 140; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**REPORT OF CHIEF ENGROSSING CLERK  
March 26, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 187, 617, 660, 730, 1044, 1104, 1257, 1322, 1516 and

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

1541; also, House Joint Resolution(s) No(s). 93, 132, 133, 134, 135, 136, 145, 159, 160 and 163; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED  
March 26, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 338, 702 and 1042; also, Senate Joint Resolution(s) No(s). 124 and 150.

**SIGNED  
March 26, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 284, 372, 548, 622, 760 and 833; also, House Joint Resolution(s) No(s). 137, 139, 141, 142, 143 and 165.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
March 27, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, March 28, 1991**: House Bill(s) No(s). 793, 31, 411, 472, 651, 1056, 654, 655, 1053, 1127, 209, 448, 523, 1282, 418, 1185, 687, 688 and 336.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 1, 1991**: House Bill(s) No(s). 1405 and 151; also, House Joint Resolution(s) No(s). 110.

PHILLIPS, Chair.

**REPORTS FROM STANDING COMMITTEES**

**CONSERVATION AND ENVIRONMENT  
March 27, 1991**

MR. SPEAKER: Your Conservation and Environment Committee reports that we have carefully considered and recommend for adoption: House Joint Resolution(s) No(s). 49.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 774 if amended.

CROSS, Chair.



**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Under the rules, House Joint Resolution(s) No(s). 49 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 774 with amendment(s) to the Finance, Ways and Means Committee.

**HEALTH AND HUMAN RESOURCES  
March 27, 1991**

MR. SPEAKER: Your Health and Human Resources Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 194, 553, 641, 905 and 1041; for passage if amended: House Bill(s) No(s). 193 and 1107; for adoption: House Joint Resolution(s) No(s). 51 and 109.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 1046; and House Bill(s) No(s). 1106 if amended.

DIXON, Chair.

Under the rules House Bill(s) No(s). 194, 553, 641, 905 and 1041; with amendment(s): House Bill(s) No(s). 193 and 1107; also, House Joint Resolution(s) No(s). 51 and 109 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 1046 and 1106 with amendment(s) to the Finance, Ways and Means Committee.

**JUDICIARY  
March 27, 1991**

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 280, 845, 934, 937, 1137 and 1240; for passage if amended: House Bill(s) No(s). 451 and 1444; for adoption: House Resolution(s) No(s). 7, 8, 9 and 10.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 1361; also, House Bill(s) No(s). 53, 63 and 386 if amended.

BUCK, Chair.

Under the rules, House Bill(s) No(s). 280, 845, 934, 937, 1137 and 1240; with amendment(s): House Bill(s) No(s). 451 and 1444; also, House Resolution(s) No(s). 7, 8, 9 and 10 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s)

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

No(s). 1361; also, House Bill(s) No(s). 53, 63 and 386 with amendment(s) to the Finance, Ways and Means Committee.

**CONSENT CALENDAR**

**House Resolution No. 0028** -- Memorials, Personal Occasion -- Nancy Eva Honeycutt, 107 years old.

**House Resolution No. 0029** -- Memorials, Personal Occasion -- Mr. and Mrs. Dennis Lee, 50th wedding anniversary.

**House Resolution No. 0030** -- Memorials, Personal Occasion -- Mr. and Mrs. Leonard Henry, 50th wedding anniversary.

**House Joint Resolution No. 0166** -- Memorials, Public Service -- Joanne North.

**House Joint Resolution No. 0167** -- Memorials, Professional and Business Achievement -- Bobby Jones.

**House Joint Resolution No. 0168** -- Memorials, Sports -- Sharps Chapel Elementary School girls' basketball team.

**House Joint Resolution No. 0169** -- Memorials, Sports -- Harriman Middle School boys' and girls' basketball teams.

**House Joint Resolution No. 0171** -- Memorials, Sports -- Clinton High School girls' basketball team.

**House Joint Resolution No. 0172** -- Memorials, Sports -- Campbell County Lady Cougars.

**House Joint Resolution No. 0173** -- Memorials, Sports -- Sharps Chapel Elementary School Boys' basketball team.

**House Joint Resolution No. 0174** -- Memorials, Public Service -- Medina Lions Club, dedication of War Memorial.

**Senate Joint Resolution No. 0129** -- Memorials, Public Service -- Clarence Andrew Powell.

**Senate Joint Resolution No. 0130** -- Memorials, Public Service -- Trooper Eddie Austin.

**Senate Joint Resolution No. 0132** -- Memorials, Heroism -- Sergeant David Hill.

**Senate Joint Resolution No. 0133** -- Memorials, Sports -- Jeffrey Michael Sexton, All time record scorer for Christian Brothers High School.

**Senate Joint Resolution No. 0134** -- Memorials, Public Service -- McMinnville Manufacturing Company.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 0135** -- Memorials, Public Service --  
Zadie Key.

**Senate Joint Resolution No. 0136** -- Memorials, Professional and  
Business Achievement -- Dean A. Deyo.

**Senate Joint Resolution No. 0145** -- Memorials, Sports --  
Germantown High School varsity cheerleaders.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Representative Pruitt was recorded as being present in the Chamber.

**REGULAR CALENDAR**

**House Bill No. 1385** -- Motor Vehicles -- Permits use of post office box number in registering motor vehicle. Amends TCA, Title 55, Ch. 4, Pt. 1.

Further consideration of House Bill No. 1385, previously considered on March 11 and 13, 1991. On March 11, the House adopted

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Amendment No. 1 and reset the bill to Calendar for March 13, when it was reset to the Calendar for March 27, 1991.

Rep. Rhinehart moved that **House Bill No. 1385** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 0804** -- Hospitals and Health Care Facilities -- Requires notice of date of last inspection for all health care equipment. Amends TCA, Title 68, Ch. 11.

Further consideration of **House Bill No. 804**, previously considered on March 20, 1991, at which time it was reset to the Calendar for March 27, 1991.

On motion, **House Bill No. 804** was made to conform with **Senate Bill No. 104**.

On motion, **Senate Bill No. 104**, on same subject, was substituted for **House Bill No. 804**.

Rep. Garrett moved that **Senate Bill No. 104** be passed on third and final consideration.

Rep. Rhinehart moved that **Amendment No. 1** be withdrawn, which motion prevailed.

Thereupon, Rep. Garrett moved that **Senate Bill No. 104** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY

PRESENT IN CHAMBER

Representative Knight was recorded as being present in the Chamber.

REGULAR CALENDAR, CONTINUED

**House Bill No. 1340** -- Television, Cable -- Creates criminal offense and civil penalties for theft of cable television services. Amends TCA, Title 7, Ch. 59.

Further consideration of House Bill No. 1340, previously considered on March 25, 1991, at which time it was reset to the Calendar for March 27, 1991.

Rep. Davidson moved that House Bill No. 1340 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	90
Noes . . . . .	7
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Allen, Coffey, Duer, Gunnels, Liles, Williams (Shelby), Williams (Union) -- 7.

Representatives present and not voting were: Whitson -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1276** -- Banks and Financial Institutions -- Enacts "Savings Bank Chartering Act of 1991". Amends TCA, Title 45.

Rep. Rhinehart moved that House Bill No. 1276 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1276 by deleting from subsection (b) of Section 4 the words and punctuation "be a surety,"

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Rhinehart moved that **House Bill No. 1276**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	76
Noes. . . . .	14
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Halteman, Hargrove, Harrill, Head, Hill, Hillis, Holt, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tindell, Turner (Shelby), Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Duer, Gunnels, Haley, Haun, Hubbard, Jackson, Liles, Niceley, Shirley, Stamps, Tullos, Venable, Walley, Williams (Union) -- 14.

Representatives present and not voting were: Hassell, Holcomb, West -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 1360** -- Museums -- Revises State Museum procedures and hours. Amends TCA, Title 4, Ch. 12, Pt. 1.

Rep. Purcell moved that House Bill No. 1360 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley,

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*House Bill No. 1256 -- Health -- Establishes Tennessee Governor's Council on Physical Fitness and Health.**

Rep. Purcell moved that House Bill No. 1256 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 0903 -- Tennessee Housing Development Agency -- Extends authority for grant programs for affordable housing production and rehabilitation. Amends TCA, Title 13, Ch. 23, 67-4-409.**

Rep. Purcell moved that House Bill No. 903 be passed on third and final consideration, which motion prevailed by the following vote:

WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY

Ayes. . . . .	95
Noes. . . . .	1
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Harrill -- 1.

Representatives present and not voting were: Curlee -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1264 -- Motor Vehicles, Titling and Registration**  
-- Extends deadline for issuance of new design automotive license plate from January 1, 1993 to January 1, 1995. Amends TCA 55-4-103.

Rep. Purcell moved that House Bill No. 1264 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.



**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Representatives voting no were: Davis (Knox) -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 0262** -- Sunset Laws -- Extends termination date of agricultural hall of fame, board of governors; requires report to be delivered to general assembly. Amends Ch. 43, Public Acts of 1937, as amended. Amends TCA, Title 4, Ch. 29.

On motion, House Bill No. 262 was made to conform with Senate Bill No. 346.

On motion, **Senate Bill No. 346**, on same subject, was substituted for House Bill No. 262.

Rep. King moved that **Senate Bill No. 346** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Callicott, Stamps -- 2.

A motion to reconsider was tabled.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 0246** -- Sunset Laws -- Extends termination date of viticulture advisory board; revises membership. Amends TCA, Title 4, Ch. 29; Title 43, Ch. 30.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

On motion, House Bill No. 246 was made to conform with Senate Bill No. 314.

On motion, **Senate Bill No. 314**, on same subject, was substituted for House Bill No. 246.

Rep. King moved that **Senate Bill No. 314** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Callicott, Stamps, Walley -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 0779** -- Sunset Laws -- Extends termination date of board of reclamation review. Amends TCA, Title 4, Ch. 29; Title 59, Chs. 8, 10.

Rep. King moved that House Bill No. 779 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 779 by deleting Sections 2 and 3 in their entirety and by substituting instead the following new sections:

SECTION 2. (a) Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the board of reclamation review, created by Section 59-8-321, shall terminate and shall cease all activities upon the effective date of this act.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

(b) Tennessee Code Annotated, Sections 59-8-321 and 59-8-322 are repealed.

SECTION 3. Any proceeding filed with the board pursuant to Tennessee Code Annotated, Section 59-8-321, shall not terminate but shall be transferred for consideration by the water quality control board, created by Section 69-3-104.

SECTION 4. All functions of the board of reclamation review, created by Section 59-8-321, shall be transferred to the water control board, created by Section 69-3-104.

SECTION 5. This act shall take upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that **House Bill No. 779**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 1019** -- Municipal Government -- Revises mayor alderman form of municipal government. Amends TCA, Title 6, Chs. 1, 2, 6-18-103; Title 6, Ch. 54, Pt. 1.

On motion, House Bill No. 1019 was made to conform with Senate Bill No. 231.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

On motion, **Senate Bill No. 231**, on same subject, was substituted for House Bill No. 1019.

Rep. Kisber moved that **Senate Bill No. 231** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1, as House Amendment No. 1.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2, as House Amendment No. 2.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 231 In Section 1, Section 6-2-201, Item (6), by deleting the words "or telecommunications system".

AND FURTHER AMEND in Section 1, Section 6-2-201, Item (11), by deleting the words "or telecommunications systems" from the first sentence of the item and by deleting in its entirety the second sentence of the item.

AND FURTHER AMEND in Section 1, Section 6-2-201, Item (12) by deleting the first sentence of the item and replacing it with the following:

Grant to any person, firm, association, or corporation (including the municipality) franchises for public utilities and public services to be furnished the municipality and those therein.

AND FURTHER AMEND in Section 1, Section 6-2-201, Item (13) by deleting the first sentence of the item and replacing it with the following:

Make contracts with any person, firm, association, or corporation for public utilities and public services to be furnished the municipality and those therein.

AND FURTHER AMEND in Section 1, Section 6-2-201, Item (14) by deleting the words "and telecommunications systems".

On motion, Amendment No. 3 was adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 4 as follows:

**Amendment No. 4**

Amend Senate Bill No 231 in SECTION 1, page 5 of the

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

printed bill, by adding the following line at the top of the page:

6-1-203. Petition to incorporate under this charter. --  
The

AND FURTHER AMEND in SECTION 1, Section 6-1-203, by inserting in the fourth line on page 5 of the printed bill between the language "wards," and "the proposed" the following language:

"if there is only one alderman to be elected per ward, the wards that will carry the initial two-year term,"

AND FURTHER AMEND in SECTION 1, Section 6-1-207, subsection (b) by deleting the language in the subsection and replacing it with the following:

(b) In the election held pursuant to subsection (a), where there is more than one alderman to be elected per ward, the alderman receiving the higher number of votes in each ward shall serve a four (4) year term. The alderman receiving the second highest number of votes shall serve an initial two-year term. All terms thereafter will be four (4) years.

AND FURTHER AMEND in SECTION 1, Section 6-1-207, by adding the following as subsection (c):

(c) The mayor and each alderman shall serve for the term for which elected or until their successors are elected and qualified.

AND FURTHER AMEND in SECTION 1, Section 6-1-209, in the Petition for Incorporation by inserting the following language at the bottom of page 7 of the printed bill directly below the language "described above)" but above the language "PETITIONERS' SIGNATURES" on page 8:

Wards that will carry an initial two-year term:

(For those municipalities incorporating with more than four wards.)

AND FURTHER AMEND in SECTION 1, by deleting Section 6-2-102 and replacing it with the following:

6-2-102. Ordinance procedure. -- All ordinances shall be considered on two (2) separate days and may be passed by approval on both days by a majority of the members present, if a quorum, by calling ayes and noes. A quorum is a majority of the board. All ayes and noes on all votes on all ordinances shall be recorded.

WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY

AND FURTHER AMEND in SECTION 1, Section 6-3-106, by deleting item (3) and replacing it with the following:

(3) Shall make temporary appointments of any officer or department head in case of sickness, absence, or other temporary disability. The board may confirm the mayor's appointment or otherwise appoint a person to fill the vacant office unless this duty has been delegated as authorized in this charter.

AND FURTHER AMEND in SECTION 1, Section 6-3-106, by deleting item (5) and replacing it with the following:

(5) Shall countersign checks and drafts drawn upon the treasury by the recorder and sign all contracts to which the municipality is a party.

AND FURTHER AMEND in SECTION 1, Section 6-3-106, by designating the existing language as amended as Subsection (a) with the designation "(a)" being inserted before the language "The mayor:" and by adding the following as Subsection (b):

(b) Unless otherwise designated by the board, the mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(1) Those duties set forth in 6-4-101, if the board does not appoint a city administrator or if someone else is not designated by the board to perform those duties.

(2) Employ, promote, discipline, suspend, and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board of mayor and aldermen. Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment.

(3) Act as purchasing agent for the municipality in the purchase of all materials, supplies, and equipment for the proper conduct of the municipality's business, provided that all purchases shall be made in accordance with policies, practices, and procedures established by the board.

(4) Prepare and submit the annual budget and capital program to the board for their adoption by ordinance.

(5) Such other duties as may be designated or required by the board.

WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY

AND FURTHER AMEND in SECTION 1, Section 6-3-107, subsection (a) by deleting the language "for the unexpired term of the mayor" from the end of the subsection and replacing it with "until the next regular municipal election".

AND FURTHER AMEND in SECTION 1, Section 6-3-107, subdivision (b)(1) by deleting the language "any portion of an unexpired four (4) year term than remains beyond the next municipal election" and replacing it with "any portion of an unexpired four (4) year term for alderman or mayor that remains beyond the next municipal election".

AND FURTHER AMEND in SECTION 1, Section 6-3-107, subdivision (b)(2) by deleting "All elections" at the first of the subdivision and replacing it with "All such elections".

AND FURTHER AMEND in SECTION 1, Section 6-3-108, by eliminating everything in the Section after present subsection (a) and by eliminating the designation of the remaining section as subsection (a).

AND FURTHER AMEND in SECTION 1, Section 6-3-109, by adding the following sentence at the end of the Section:

The compensation of the mayor may not be diminished during his or her term of office.

AND FURTHER AMEND in SECTION 1, Section 6-4-101, by deleting the portion of the third sentence preceding the colon and replacing it with the following:

The board may, by ordinance, require the city administrator to perform any or all the following duties

AND FURTHER AMEND in SECTION 1, Section 6-4-101, in item (7) by placing a period after the word "board" and deleting the remainder of the item.

AND FURTHER AMEND in SECTION 1, Section 6-4-203, by deleting the words "The recorder" from the first of the Section and replacing them with "The recorder or his designee".

AND FURTHER AMEND in SECTION 1, Section 6-4-301, subdivision (b)(1) by deleting the first sentence of the subdivision and replacing it with the following:

Where the city judge is appointed he shall have the qualifications and receive the compensation the board may provide by ordinance.

AND FURTHER AMEND in SECTION 1, Section 6-4-301, subdivision (b)(2) by deleting the word "board" at the end of the first line of the subdivision in the printed bill and replacing it with the word "mayor", and by inserting the

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

language ", or as otherwise provided by ordinance" at the end of the subdivision before the period.

On motion, Amendment No. 4 was adopted.

Thereupon, Rep. Kisber moved that **Senate Bill No. 231**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	87
Noes. . . . .	4
Present and not voting. . . . .	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Walley, West, Williams (Shelby), Williams (Union), Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Hillis, Venable, Whitson, Windle -- 4.

Representatives present and not voting were: Callicott, Holcomb, Nuber, Stamps, Winningham -- 5.

A motion to reconsider was tabled.

**House Bill No. 0772 -- Taxes -- Repeals Beneficial Use Tax Act of 1990. Repeals TCA, Title 67, Ch. 4, Pt. 15.**

Rep. Kisber moved that House Bill No. 772 be reset to the Calendar for Monday, April 1, 1991, which motion prevailed.

**House Bill No. 1286 -- Charitable Solicitations -- Exempts volunteer fire departments, civil defense units and rescue squads from charitable solicitation law. Amends TCA, Title 48, Ch. 3, Pt. 5.**

On motion, House Bill No. 1286 was made to conform with Senate Bill No. 1213.



WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY

On motion, **Senate Bill No. 1213**, on same subject, was substituted for House Bill No. 1286.

Rep. Hillis moved that **Senate Bill No. 1213** be passed on third and final consideration.

Rep. Hillis moved that Amendment No. 1 be withdrawn, which motion prevailed.

#### CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

#### REGULAR CALENDAR, CONTINUED

Rep. Williams (Shelby) moved to amend as follows:

##### Amendment No. 2

Amend Senate Bill No. 1213 by deleting the period at the end of Section 1 and by adding the following:

, if such departments, squads or organizations solicit funds without the assistance of professional fundraisers.

Rep. Hillis moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	59
Noes. . . . .	34

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Duer, Ferguson, Garrett, Givens, Gunnels, Hargrove, Haun, Head, Hillis, Holt, Hubbard, Huskey, Johnson, Kent, King, Kisber, Knight, Love, McAfee, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Allen, Anderson, Callicott, Chiles, Chumney, Coffey, Copeland, Davis (Knox), Fowlkes, Haley, Halteman, Harrill, Hassell, Herron, Hill, Holcomb, Jackson, Joyce, Kernell, Liles, McDaniel, McKee, Meyer, Niceley, Pruitt, Robinson (Washington), Shirley, Sipes, Stamps, Tullos, Venable, Williams (Shelby), Williams (Union), Wood -- 34.

Thereupon, Rep. Hillis moved that **Senate Bill No. 1213** be passed

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	9

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Coffey, Haley, Kernell, Meyer, Pruitt, Sipes, Stamps, Tullos, Williams (Shelby) -- 9.

A motion to reconsider was tabled.

**House Bill No. 0693** -- Insurance Companies, Agents, Brokers -- Redefines "commercial risk insurance" under Cancellation of Commercial Risk Insurance Act by including workers' compensation insurance. Amends TCA 56-7-1802.

On motion, House Bill No. 693 was made to conform with Senate Bill No. 147.

On motion, **Senate Bill No. 147**, on same subject, was substituted for House Bill No. 693.

Rep. Bivens moved that **Senate Bill No. 147** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore,

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 0544** -- County Officers -- Retains Lauderdale County within fourth class for county officials; places Rhea and Hardeman counties in such classification using 1990 unadjusted census figures which are subject to change. Amends TCA, Titles 8, 16.

On motion, House Bill No. 544 was made to conform with Senate Bill No. 1026.

On motion, **Senate Bill No. 1026**, on same subject, was substituted for House Bill No. 544.

Rep. Crain moved that **Senate Bill No. 1026** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

**Amendment No. 2.**

Amend Senate Bill No. 1026 by adding the following new section immediately before the effective date section and numbering the sections accordingly:

SECTION \_\_\_\_\_. The state share of the cost pursuant to Article II, Section 24 of the Constitution of Tennessee for any increased expenditure required by a county by the provisions of this act shall be provided from the increase in unallocated tax revenue of state-shared taxes enumerated in Tennessee Code Annotated, Section 9-6-301.

On motion, Amendment No. 2 was adopted.

Rep. Davis (Gibson) moved to amend as follows:

**Amendment No. 3**

Amend Senate Bill No. 1026 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Section \_\_\_\_\_. Tennessee Code Annotated, Section 8-24-101, is amended by deleting from subsection (a)(3) and (a)(4) the words and figures "fifty thousand (50,000)" and substituting instead the words and figures "forty-five thousand (45,000)".

On motion, Amendment No. 3 was adopted.

Rep. Crain moved to amend as follows:

**Amendment No. 4**

Amend Senate Bill No. 1026 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 4 was adopted.

Rep. Bragg moved to amend as follows:

**Amendment No. 5**

Amend Senate Bill No. 1026 by adding the following new section immediately before the effective date section and numbering the sections accordingly:

SECTION \_\_\_\_\_. The state share of the cost pursuant to Article II, Section 24 of the Constitution of Tennessee for any increased expenditure required by a county by the provisions of this act shall not be provided from the increase in unallocated tax revenue of state-shared taxes enumerated in Tennessee Code Annotated, Section 9-6-301.

On motion, Amendment No. 5 was adopted.

Thereupon, Rep. Crain moved that **Senate Bill No. 1026**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong,

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Hailey, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Head -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 0441** -- Lands, Public -- Establishes guidelines for sale of certain surplus county property. Amends TCA, Title 5, Ch. 8.

Rep. Buck moved that House Bill No. 441 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 441 by deleting Sections 1 and 2 in their entirety, and by substituting instead the following language:

SECTION 1. This act shall not have the effect of repealing existing provisions of law and shall not apply to any county which has adopted the "County Purchasing Law of 1957", codified as Tennessee Code Annotated, Title 5, Chapter 14, Part 1. The provisions of this act shall not supersede any private act or provisions which have been adopted by a county having a charter form of government or metropolitan form of government establishing provisions for the sale of surplus county property which are more stringent than those contained in this act; provided, however, no county shall have sales of surplus property which are not made by public auction or by sealed bid.

SECTION 2. All sales of county property, real or personal in nature, which has become surplus, obsolete or unusable shall be made by public auction as defined in §§47-2-328 and 62-19-101(2) or by sealed bid as provided in this act, in the discretion of the purchasing agent or

responsible official with the approval of the county legislative body. The public auction may be conducted by a licensed auctioneer as defined by §62-19-101(3) or by the county purchasing agent or responsible official with the approval of the county legislative body. If the item to be sold is one that is not customarily bought and sold in that county, then the county legislative body shall designate that the item is to be advertised through a trade journal that deals with the type of property being sold or a newspaper printed in one of the four most populous counties. The advertisement shall conform to the notice specifications outlined in Section 3 of this act.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 441 by adding the following to the end of Section 2:

Provided however, that where the surplus property is determined to have no value other than scrap value and can only be used for scrap in the discretion of the department head and with the approval of the purchasing agent or responsible official with the approval of the county legislative body, such surplus property shall then be sold by obtaining the best price in the market place.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Buck moved that House Bill No. 441, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner

WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY

(Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 0618** -- Workers' Compensation -- Permits assignment of portion of benefits. Amends TCA 50-6-223.

Rep. Buck moved that House Bill No. 618 be passed on third and final consideration.

Rep. Clark moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 618 by deleting subsection (b) of the amendatory language of Section 1 and by substituting instead the following:

(b) Notwithstanding the provisions of subsection (a) to the contrary, the court may assign up to fifty percent (50%) of such compensation made by periodic payments to fulfill a valid current child support obligation provided such assignment is administered in accordance with Tennessee Code Annotated, Section 50-2-105. However, no such assignment may be made for arrearages in child support.

Rep. Clark moved to amend as follows:

**Amendment No. 1 to Amendment No. 1**

AMEND House Bill No. 618 by deleting from the amendatory language of subsection (b) as added by House Consumer and Employee Affairs Committee Amendment No. 1 the word "current" and by substituting instead the words "present and prospective",

AND FURTHER AMEND by adding the following as a new subsection (c):

(c) Notwithstanding the provisions of subsection (a) to the contrary, the court may assign up to twenty percent (20%) of any lump sum settlement to satisfy a judgment for arrearages in child support.

On motion, Amendment No. 1 to Amendment 1 was adopted.

Thereupon, Rep. Clark moved that Amendment No. 1, as amended, be adopted, which motion prevailed.

WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY

Thereupon, Rep. Buck moved that **House Bill No. 618**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, ~~Stamps~~, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1079** -- Taxes -- Limits prevailing party to reasonable attorney fee in tax refund suits. Amends TCA 67-1-1803.

Rep. Buck moved that **House Bill No. 1079** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	4
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Gunnels, Haley, Kent, McKee -- 4.



**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

**House Bill No. 1244** -- Hazardous Materials -- Establishes method for determining large or small generator; allows exemptions. Amends TCA, Title 68, Ch. 46.

On motion, House Bill No. 1244 was made to conform with Senate Bill No. 799.

On motion, **Senate Bill No. 799**, on same subject, was substituted for House Bill No. 1244.

Rep. Givens moved that **Senate Bill No. 799** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 799 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 68-46-304(a) is amended by adding the following language at the end of the subsection:

Any generator first generating a hazardous waste stream after December 31, 1989 or first becoming a hazardous waste generator after December 31, 1989, shall determine whether he is a large quantity generator or a small quantity generator based on the amounts generated during the initial twenty-four (24) months of generation of the hazardous waste stream. Within the period ending twelve (12) months after this determination is made or by March 1 following the end of the twelve (12) months period, whichever is later, a hazardous waste reduction plan shall be completed.

SECTION 2. Tennessee Code Annotated, Section 68-46-305(e) is amended by adding the following language at the end of the section:

The board may provide for exception by rule for generators whose hazardous waste streams fluctuate widely due to contract work or manufacturing orders.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 46, is amended by adding the following new section:

Section \_\_\_\_\_. If any person who is driving on a Tennessee road, highway, interstate or other thoroughfare or rightfully in physical control of any such motor vehicle containing a hazardous waste or hazardous substance as defined in Tennessee Code Annotated, Section 68-27-102 is adjudicated to have been at fault in a court of competent jurisdiction for an accident resulting in a spill of such hazardous waste or hazardous substance, the employer of such person shall be jointly and severally responsible for damages incurred as a result of the spill, and any reasonable clean-up costs incurred by the governmental agency or the state of Tennessee or any political subdivision thereunder, which may result from the spill. In the event of a dispute concerning thereunder, which may result from the spill. In the event of a dispute concerning the reasonableness of assessed cleanup costs or damages, a court of competent jurisdiction shall determine the reasonableness of such costs and damages.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Givens moved that **Senate Bill No. 799**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Haldeman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Joyce, McKee -- 2.

A motion to reconsider was tabled.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

**\*House Bill No. 0575** -- Election Laws -- Prohibits certain at large elections from multi-member districts, wards or zones. Amends TCA, Title 2.

Rep. R. Jones moved that House Bill No. 575 be reset to the Calendar for Monday, April 8, 1991, which motion prevailed.

**\*House Bill No. 0005** -- Highway Signs -- Wartrace. Amends TCA, Title 54, Ch. 5, Pt. 7.

On motion, House Bill No. 5 was made to conform with Senate Bill No. 13.

On motion, **Senate Bill No. 13**, on same subject, was substituted for House Bill No. 5.

Rep. Phillips moved that **Senate Bill No. 13** be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Thereupon, Rep. Phillips moved that **Senate Bill No. 13** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 0269** -- Election Laws -- Enacts "Tennessee Ballot Integrity Act of 1990". Amends TCA, Title 2.

Rep. Ridgeway moved that House Bill No. 269 be reset to the

WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY

Calendar for Wednesday April 3, 1991, which motion prevailed.

**House Bill No. 0729** -- Public Records -- Requires records of employee assistance program be confidential. Amends TCA 10-7-504.

On motion, House Bill No. 729 was made to conform with Senate Bill No. 741.

On motion, **Senate Bill No. 741**, on same subject, was substituted for House Bill No. 729.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 741 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

( ) Records of any employee's identity, diagnosis, treatment, or referral for treatment that are maintained by any state or local government employee assistance program shall be confidential provided any such records are maintained separately from personnel and other records regarding such employee that are open for inspection. For purposes of this subsection, "employee assistance program" means any program that provides counseling, problem identification, intervention, assessment, or referral for appropriate diagnosis and treatment, and follow-up services to assist employees of such state or local governmental entity who are impaired by health, marriage, drug, alcohol or mental health problems.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. West moved that **Senate Bill No. 741**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore,

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 1265** -- Highways, Roads and Bridges -- Clarifies responsibility for maintenance of interstate, state and public highways and bridges; limits jurisdiction of claims commission for claims of negligence. Amends TCA 9-8-307, 54-4-406, 54-4-508, 54-5-507.

On motion, House Bill No. 1265 was made to conform with Senate Bill No. 1397.

On motion, **Senate Bill No. 1397**, on same subject, was substituted for House Bill No. 1265.

Rep. Purcell moved that Senate Bill No. 1397 be reset to the next available space on the Calendar for Thursday, March 28, 1991, which motion prevailed.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Chiles moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 156 out of order, which motion prevailed.

**\*Senate Joint Resolution No. 0156** -- Naming and Designating -- Walter Criley Visitor Center, Radnor Lake.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Chiles, the resolution was concurred in.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Phillips moved to suspend **Rule No. 49** (the 48-hour rule), so that Calendar and Rules may place additional bills on Thursday's floor calendar.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

**RULES SUSPENDED**

Rep. Phillips moved to suspend **Rule No. 71** (amendment distribution rule) so that all amendments for Thursday's Calendar, placed on the member's desks on Thursday, will be considered timely placed.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, March 28, 1991:

**House Bill No. 409:** Rep. Robinson (Davidson).

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 11:** Rep(s). Bivens, Givens, Hillis, Holt, McDaniel, Moore and West as prime sponsor(s).

**House Bill No. 53:** Rep(s). Herron as prime sponsor(s).

**House Bill No. 411:** Rep(s). Turner (Hamilton) as prime sponsor(s).

**House Bill No. 418:** Rep(s). Turner (Hamilton) as prime sponsor(s).

**House Bill No. 472:** Rep(s). Duer as prime sponsor(s).

**House Bill No. 633:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 685:** Rep(s). Bell as prime sponsor(s).

**House Bill No. 686:** Rep(s). Herron as prime sponsor(s).

**House Bill No. 803:** Rep(s). Bragg as prime sponsor(s).

**House Bill No. 842:** Rep(s). Buck as prime sponsor(s).

**House Bill No. 1155:** Rep(s). Liles as prime sponsor(s).

**House Bill No. 1185:** Rep(s). Halteman and Walley as prime sponsor(s).

**House Bill No. 1252:** Rep(s). Coffey as sponsor(s).

**House Bill No. 1253:** Rep(s). Coffey as prime sponsor(s).

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

**House Bill No. 1256:** Rep(s). Chumney as prime sponsor(s).

**House Bill No. 1261:** Rep(s). Coffey as prime sponsor(s).

**House Bill No. 1264:** Rep(s). Coffey as prime sponsor(s).

**House Bill No. 1276:** Rep(s). Peroulas Draper and Severance as prime sponsor(s).

**House Bill No. 1286:** Rep(s). Arriola, Collier, Cross, R E Davis (Cocke), Ferguson, Givens, Gunnels, Hargrove, Liles, Napier, Pinion, Walley, Windle, Winningham, and as prime sponsor(s).

**House Bill No. 1329:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 1360:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 1367:** Rep(s). Armstrong as prime sponsor(s).

**House Bill No. 1442:** Rep(s). Arriola as prime sponsor(s).

**REQUESTS TO BE ADDED AS SPONSORS**

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage of said bill.

**House Bill No. 618:** Rep(s). Hargrove.

**House Bill No. 1256:** Rep(s). Coffey.

**House Bill No. 1259:** Rep(s). Coffey.

**SPONSORS REMOVED**

On motion, Rep. McDaniel was removed as sponsor of **House Bill No. 1415**.

On motion, Rep. Nuber, Sipes, Halteman and Hassell were removed as sponsors of **House Bill No. 1458**.

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**House Resolution No. 0031 -- Memorials, Death -- Judge Robert James Holt, Jr.** by \*Sipes, \*McDaniel, \*Kisber.

Referred by the Speaker to the Calendar and Rules Committee.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

**\*House Joint Resolution No. 0170 -- Naming and Designating -- Ramp Festival Day, May 5, 1991. by \*Davis R E.**

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0175 -- Memorials, Sports -- Shelly Sexton-Liakonis, Coach, Clinton High School girls' varsity basketball team. by \*Williams M.**

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

**Senate Joint Resolution No. 0137 -- Memorials, Recognition and Thanks -- Operation Desert Star.**

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0138 -- Memorials, Retirement -- Dr. Gary J. Burchett.**

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0139 -- Memorials, Sports -- Cumberland County Elementary boys' basketball Team.**

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0140 -- Memorials, Sports -- South Cumberland Rebels football team.**

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0141 -- Memorials, Public Service -- Louise Hollimon Wooden.**

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0142 -- Memorials, Sports -- Cumberland County Elementary girls' basketball team.**

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0146 -- Memorials, Personal Achievement -- Eleanor Ford, Ms. Senior Tennessee.**

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0158 -- Memorials, Sports -- Bo Jackson.**



**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Referred by the Speaker to the Calendar and Rules Committee.

### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1554** -- Moscow -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

Passed first consideration.

**House Bill No. 1555** -- Robertson County -- Revises distribution procedures for wheel tax. Amends Chapter 265, Private Acts 1949, as amended. by \*Davidson.

Passed first consideration.

**House Bill No. 1556** -- Ardmore -- Removes certain residency requirements for city recorder. Amends Chapter 801, Private Acts 1949, as amended. by \*Fowlkes.

Passed first consideration.

### **DELAYED BILLS REFERRED**

Pursuant to Rule No. 78, having been prefiled for introduction, House Bill(s) No(s). 1557, 1558 and 1559, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 1557** -- Hospitals and Health Care Facilities -- Makes pilot program applicable to Putnam County. Amends TCA 12-4-320. by \*Hargrove.

**\*House Bill No. 1558** -- Game and Fish Laws -- Permits persons engaged in fish farming to raise to maturity and sell hybrid striped bass. Amends TCA, Title 70, Ch. 4. by \*Davis Ray.

**\*House Bill No. 1559** --Pensions and Retirement Benefits -- Allows certain employees credit. Amends TCA, Title 8, Ch. 35, pt. 2. by \*Phillips.

### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**\*Senate Bill No. 0359** -- Agriculture -- Authorizes draining certain wetlands under general permits. Amends TCA, Title 69. (HB 0793).

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0408 -- Driver Licenses --** Authorizes suspension or denial of driver licenses of certain persons committing certain acts involving alcohol. Amends TCA, Title 55, Ch. 10, Pt. 7; Title 57, Chs. 3--5. (HB 0815).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0621 -- Aircraft and Airports --** Classifies airports. Amends TCA 42-1-101, 42-1-202, 101, 42-3-102, 42-3-201, 103, 42-5-102, 42-6-101. (HB 1477).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0625 -- Annexation --** Requires certain advance notification to certain persons whose property is to be annexed. Amends TCA, Title 6, Ch. 51. (HB 0879).

Held pending third consideration of companion House Bill.

**Senate Bill No. 1301 -- Culture --** Decreases period for determination of abandoned cultural property. Amends TCA 66-29-202. (\*HB 0940).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1414 -- Correction, Dept. of --** Requires continuance of training employees at Tennessee Training Academy in Tullahoma. Amends TCA, Title 4, Ch. 6; Title 41. (HB 1312).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1438 -- Economic and Community Development --** Modifies requirement that ordinance or resolution to create and appoint an enterprise zone management board be adopted at two consecutive meetings; requires adoption at a regularly scheduled meeting only. Amends TCA, Titles 4, 13. (HB 1355).

Held pending third consideration of companion House Bill.

#### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**House Bill No. 1535 -- Utilities, Utility Districts --** Passed second consideration and referred to the Conservation and Environment Committee.

**House Bill No. 1551 -- White County --** Passed second consideration and held on Clerk's desk pending approval by local delegation.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

**House Bill No. 1552 -- Lafollette --** Passed second consideration and held on Clerk's desk pending approval by local delegation.

**House Bill No. 1553 -- Luttrell --** Passed second consideration and held on Clerk's desk pending approval by local delegation.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES  
March 27, 1991**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1539, 1545, 1546, 1547 and 1551.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
March 27, 1991**

**MR. SPEAKER:** The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Thursday, March 28, 1991:** House Resolution No(s). 31; House Joint Resolution(s) No(s). 170 and 175; House Bill(s) No(s). 1539, 1545, 1546, 1547 and 1551; also, Senate Joint Resolution(s) No(s). 137, 138, 139, 140, 141, 142, 146 and 158.

PHILLIPS, Chair.

**ENGROSSED BILLS  
March 27, 1991**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 779, 903, 1256, 1264, 1276, 1340, and 1360; also, House Joint Resolution(s) No(s). 166, 167, 168, 169, 171, 172, 173 and 174; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
March 27, 1991**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill(s) No(s). 3, 23, 84, 216, 332, 853, 923 and 1144; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**March 27, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 284, 372, 548, 622, 760 and 833; also, House Joint Resolution(s) No(s). 137, 139, 141, 142, 143 and 165; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

**March 27, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 441, 618 and 1079; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**March 27, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 284, 372, 548, 622, 760 and 833; also, House Joint Resolution(s) No(s). 137, 139, 141, 142, 143 and 165; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

**March 27, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 3, 23, 84, 216, 332, 853, 923 and 1144.

**ENROLLED BILLS**

**March 27, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 28, 29 and 30; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE  
March 27, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 576; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
March 27, 1991

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 98; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
March 27, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 347.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
March 27, 1991

MR. SPEAKER: I am directed to request the return of Senate Bill No. 161, for further consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
March 27, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 447, 711, 1000 and 1285; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

\*Senate Bill No. 0447 -- Real Property -- Negates cause of action for failure to disclose certain information. Amends TCA,

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

Title 66. by \*Rochelle, \*Patten, Davis E.

**\*Senate Bill No. 0711** -- Equalization Board -- Prohibits certain persons from serving on Shelby County board of equalization. Amends TCA, Title 67. by \*Ford.

**\*Senate Bill No. 1000** -- Home Improvement Contractors -- Redefines "home improvement"; revises membership of home improvement commission; abolishes Home Improvement Guaranty Fund. Amends TCA, Title 62, Ch. 37. by \*Dunavant.

**\*Senate Bill No. 1285** -- Schools, Private -- Requires certain church related home schools to supply student information to department of education. Amends TCA 49-6-3050. by \*Springer.

**MESSAGE FROM THE SENATE**

**March 27, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 160; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0160** -- Memorials, Sports -- Shelbyville High School girls' basketball team, State AAA champions. by \*Womack.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones E (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisher, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

**WEDNESDAY, MARCH 27, 1991 -- TWENTY-SEVENTH LEGISLATIVE DAY**

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, March 28, 1991.